IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 19TH SEPTEMBER 2007 / 28TH BHADRA 1929

WP(C).No. 19091 of 2006(W)

PETITIONER:

P.K.RUGMINI, PROPRIETOR,
KULAPPULLY FLOUR & OIL MILL,
KULAPPULLY, RESIDING AT PARASAKTHI,
KULAPPULLY, SHORNUR.

BY ADV. SRI.E.R.VENKATESWARAN,
SRI.R.SREEHARI.

RESPONDENTS:
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1. **THE GENERAL MANAGER,**
   DISTRICT INDUSTRIES CENTRE,
   CIVIL STATION, PALAKKAD.

2. **THE DIRECTOR OF INDUSTRIES AND COMMERCE,**
   KERALA, THIRUVANANTHAPURAM.

3. **THE DISTRICT PANCHAYATH,**
   PALAKKAD, REP. BY ITS SECRETARY.

BY ADV. SRI.A.JAYASANKAR,
SRI.MANU GOVIND,
GOVERNMENT PLEADER SRI. M.R. SABU.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.19091/2006:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE CERTIFICATE OF REGISTRATION ISSUED BY THE R.1. DT. 27/11/1992.

EXT.P.2: COPY OF THE ORDER DT. 20/06/1995 ISSUED BY THE R.1.

EXT.P.3: COPY OF THE ORDER ISSUED BY THE R1. GRANTING GRANT DT. 18/09/1997.

EXT.P.4: COPY OF THE ORDER DTD. 19/01/1998 ISSUED BY THE R.1.

EXT.P.5: COPY OF THE PETITION FILED BEFORE THE PRESIDENT, PALAKKAD DISTRICT PANCHAYATH.

EXT.P.6: COPY OF THE REPRESENTATION DT. 09/08/2005 SENT TO THE R.2.

EXT.P.7: COPY OF THE LETTER DT 14/10/2005 ISSUED BY THE R.2.

EXT.P.8: COPY OF THE LETTER DT. 02/09/2005 SENT BY THE R.2.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

prv.

ANTONY DOMINIC, J.

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W.P.(C) No. 19091 OF 2006 W
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Dated this the 19th September, 2007

J U D G M E N T

The claim of the petitioner is for disbursement of grant/subsidy sanctioned as per Exts.P3 and P4. She also claims interest on the amount outstanding.

2. Petitioner is an S.S.I. Unit, which was sanctioned Rs. 50,000/- as subsidy, by Ext. P3 order. Ext. P3 clarifies that the subsidy sanctioned was subject to availability of funds. Subsequently, the 1st respondent issued Ext. P4 modifying Ext. P3 to the effect that the amount sanctioned therein will be disbursed through the District Panchayat, Palakkad, subject to availability of funds. Still later Ext. P8 order was issued by the Government informing the petitioner that if the scheme is transferred back to the Industries Department, subsidy will be disbursed to the Industrial Units run by women. It is now informed by the Standing Counsel for the 3rd respondent that the scheme has now been transferred back to the Industries Department. Pursuant to the directions of this Court

by its order dated 4-8-2007, the learned Govt. Pleader has filed a statement wherein it is stated that at present they are not having any funds for disbursement and that on allotment from the Directorate of Industries, funds will be disbursed to units such as the petitioner in the strict order of priority. Thus, though this Court wanted the Govt. Pleader to clarify the period within which payment could be effected, in view of the non-availability of funds, the 1st respondent has expressed its inability in giving a firm commitment in that behalf.

3. Whatever be the position, the fact remains that the eligibility of the petitioner for subsidy is undisputed and that the subsidy of Rs.50,000/- has been sanctioned. However, since the same is subject to availability of funds, that condition has to be satisfied before any positive direction is issued. In the light of this, the only appropriate order that can be passed is to direct the 1st respondent to expedite the process of disbursement of subsidy especially in view of the fact that now the scheme itself has been transferred back to the Department of Industries from

which the funds are to be released. Therefore, the 1st respondent will move the Directorate of Industries for getting necessary funds released. If funds are released and if the petitioner's turn comes in the order of priority, the amount will be released to the petitioner without any further delay. With these directions the writ petition is disposed of.

ANTONY DOMINIC
JUDGE

jan/-